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8 DONALD THORN

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10 **UNITED STATES BANKRUPTCY COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SANTA ROSA DIVISION**

13 In re:

14 Case No.: 13-10923-AJ-7

15 Javier Agusto and Heidi Erica Alvarez

16 A.P. No.: 13-01103

17 Debtors./

18 Donald Thorn

19 **PROPOSED ORDER GRANTING**
20 **PLAINTIFF DONALD THORN'S**
21 **MOTION FOR SUMMARY JUDGMENT**

22 Plaintiff,

23 **Date: April 4, 2014**

24 v.

25 **Time: 9:00 a.m.**

26 Javier Agusto and Heidi Erica Alvarez

27 **Place: 99 South E Street**

28 Defendants./

29 **Santa Rosa, California**

30 **A.P. Filed: August 6, 2013**

31 **Trial Date: September 17, 2014**

32 **Judge: Alan Jaroslovsky**

33 On April 4, 2014, plaintiff Donald Thorn's motion for summary judgment against
34 defendants, Javier Agusto Alvarez and Heidi Erica Alvarez came on regularly for hearing at 9:00
35 a.m. before the Honorable Alan Jaroslovsky, judge of the United States Bankruptcy Court
36 located at 99 South E Street, Santa Rosa, California.

37 Appearings for plaintiff Donald Thorn was Edward McCutchan of Sunderland |
38 McCutchan, LLP and for defendants Javier Agusto Alvarez and Heidi Erica Alvarez was Byron

1 Nelson of the Law Office of Carl Combs.

2 After review of all pleadings concerning this April 4, 2014 motion for summary
3 judgment, the court's file and following oral argument, the court made the following order and
4 decree.

5 IT IS HEREBY ORDERED that plaintiff Donald Thorn's summary judgment motion is
6 granted. The June 22, 2012 Judgment and the October 10, 2012 Amended Judgment in Sonoma
7 County Superior Court, case number SCV-246825 for \$69,442.94 entered against defendants
8 Javier Agusto Alvarez and Heidi Erica Alvarez is not dischargeable in bankruptcy under 11
9 U.S.C. § 523(a)(6) by virtue of the award of attorney's fees under California's Uniform Trade
10 Secrets Act, California Civil Code § 3426.4 and In re Lopez (2007) 367 B.R. 99.

11 Plaintiff's counsel is to prepare a judgment of non-dischargeability in favor of plaintiff
12 Donald Thorn and against defendants Javier Agusto Alvarez and Heidi Erica Alvarez under 11
13 U.S.C. § 523(a)(6) by virtue of California Civil Code § 3426.4 and In re Lopez, supra.

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18 ** END OF ORDER **
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